

Agenda Item No. 3.1  
For Agenda of 1.24.06



## *Tigard City Council Meeting Minutes*

Date: December 20, 2005  
Time: 6:30 p.m.  
Place: Tigard City Hall, 13125 SW Hall Boulevard  
Tigard, Oregon  
Attending: Mayor Craig Dirksen Presiding  
Councilor Sally Harding  
Councilor Sydney Sherwood  
Councilor Nick Wilson  
Councilor Tom Woodruff  
Absent:--

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session Update on Potential Financial- Related Ballot Measures from Other Jurisdictions	<p>Interim Finance Director Imdieke reviewed a summary of potential financial ballot measures other jurisdictions are planning to place before the voters over the next few years.</p> <p>City Council reviewed a "Financial Ballot Measure Survey – December, 2005." Additional updates to this list will be needed, including several items mentioned by Councilor Harding.</p> <p>Interim Finance Director Imdieke reported on the work of the Financial Strategy Task Force. The Task Force has been concentrating on reviewing the mix of services that the City of Tigard is providing. The next step will be to look at alternatives and efficiencies.</p>	<p>Finance Staff will prepare an updated list of potential financial ballot measures.</p>

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Study Session Continue Discussion on Police Department Accreditation	<p>Police Chief Dickinson reviewed this request for direction from the City Council on whether or not the Police Department should expend funds and staff time to renew the City's current accreditation through the Oregon Accreditation Alliance (OAA) and/or the National accreditation organization, CALEA (Commission on Accreditation for Law Enforcement Agencies.)</p> <p>At Council direction from the November 15 City Council meeting, the rank and file were surveyed. Based on that information, the Department recommends that the City not pursue re-accreditation at this time due to competing time and budget issues. The Department would like to re-visit accreditation at some time in the future and use this process as an independent means of validating policies and procedures. The proposed timeline would be to seek certification again, perhaps at the National level, in 2008.</p> <p>Police Chief Dickinson reported on the possibility of exploring the purchase of a program which sets out a course for policy review, such as the program offered by Lexipol. In addition, Lexipol is considering making its policy review manual accredited.</p>	<p>Council members indicated support for the decision not to pursue accreditation. Council members noted they were in favor of continual instruction on policies and for a high-level of professionalism.</p>
Study Session – Administrative Items	<p><input checked="" type="checkbox"/> Access Easement to the Fields Property – Revision to the "Grant of Easement" Document</p> <p>City Engineer Duenas reviewed his memorandum of December 16, 2005, regarding "Access Easement to the Fields Property – Revision to the Grant of Easement Document." A copy of the memorandum is on file in the City Recorder's office.</p> <p>A revision to the Grant of Easement document clarifies whether or not Mr. Fields can continue to cross City property north of Fanno Creek for maintenance of the Fields' property east of the Library site. The proposed revision to Section 7</p>	<p>Council concurred with the revision as outlined by City Engineer Duenas.</p>

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	<p>of the agreement makes it clear that the maintenance access is not terminated by the "Grant of Easement."</p> <p><input checked="" type="checkbox"/> Identify the resource materials for the January 6, 2006 City Council Goal Setting Meeting</p> <p><input checked="" type="checkbox"/> Congress of Cities Conference</p> <ul style="list-style-type: none"> <li>▪ Topics to date from Mayor and Council for meetings with Senators and Congressman include: <ul style="list-style-type: none"> <li>- Community Development Block Grant</li> <li>- Section 8</li> <li>- Food Stamps</li> <li>- Transportation funding</li> </ul> </li> </ul> <p>Council members will advise administrative staff if they have additional topics for the legislators.</p> <ul style="list-style-type: none"> <li>▪ Council members will advise administrative staff regarding dates of attendance at the conference.</li> </ul> <p><input checked="" type="checkbox"/> No Chamber of Commerce Representative will attend tonight's meeting. The next report from the Chamber of Commerce is scheduled for the January 24, 2006, Council agenda.</p> <p><input checked="" type="checkbox"/> Review Process-Continuation of Sunrise Lane Annexation Hearing; Agenda Item No. 5</p> <p>City Attorney Ramis advised that the hearing is at the point for City Council deliberation with regard to the annexation request. If approved, findings have been prepared for Council's</p>	<p>City Council requested the following information:</p> <ol style="list-style-type: none"> <li>1. One- to two-page summary of status of 2005 goals.</li> <li>2. Suggestions for goals from the City's Boards and Committees</li> <li>3. Large map of the City.</li> </ol>

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	<p>consideration, which will be included as an exhibit to the proposed ordinance. The request for an emergency clause comes from the parties seeking annexation.</p> <p>☒ Agenda Item No. 6 – Consideration of Geographic Information Systems (GIS) Coordinator Budget Amendment #4 to Add a Full-Time GIS Coordinator Position was deleted from the agenda. This agenda item had been; however, City Manager Prosser advised several City Council members said they were prepared to consider this item on tonight's agenda since their previous questions had been addressed.</p> <p>☒ Agenda Item No. 8 is the Joint Meeting with the IWB. An e-mail received today from TWD Board Chair Bill Scheiderich was distributed to the City Council.</p> <p>☒ The following Agenda items were added per discussion from the December 13, 2005 City Council meeting:</p> <ul style="list-style-type: none"> <li>○ No. 9 – Discussion and Update of the Washington County Coordinating Committee (WCCC): Transportation Funding, Projects, and Process</li> <li>○ No. 10 – Discuss Tualatin Basin Natural Resources Committee (Goal 5)</li> <li>○ No. 11 – Discuss Branding/Graphic Identity Design</li> </ul>	
Executive Session	The Tigard City Council went into Executive Session at 7:10 p.m. to consult with legal counsel concerning current litigation and litigation likely to be filed under ORS 192.660(2) and (h).	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council and the Local Contract Review Board to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors</p>	

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	<p data-bbox="477 205 1013 235">Harding, Sherwood, Wilson, and Woodruff.</p> <p data-bbox="418 273 708 302">1.3 Pledge of Allegiance</p> <p data-bbox="418 340 1019 369">1.4 Council Communications &amp; Liaison Reports</p> <p data-bbox="477 415 1078 806">Councilor Harding reported on a recent Metropolitan Area Communications Committee meeting. Policies and procedures were adopted for TVCTV. A change was made so that producers of programs for public access television should live within the MACC service district. More than \$100,000 in grant monies were distributed. After negotiation, agreement was reached with Comcast. There will be no increase in fees this year; in fact there will be a small decrease.</p> <p data-bbox="477 848 1078 1604">Councilor Harding reported on recent activities of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC). She read language that was adopted by the TBNRCC should a bond measure be passed at the Metro level for \$92 million. The Committee's role will be that of review and not to control or approve local jurisdiction money. "...legacy funds would be distributed by Metro directly to cities, the county and THPRD. Under this alternative, before funds could be committed to a natural resource acquisition or restoration project by a recipient local government, the TBNRCC would review the project for consistency with the Tualatin Basin Program and the healthy streams plan and/or the Metro's Local Natural Areas Legacy Funds Guidelines, and suggest changes or opportunities for coordination or cost sharing with projects being considered by other recipient local governments. The TBNRCC's role would only be advisory."</p> <p data-bbox="418 1642 1068 1709">1.5 Call to Council and Staff for Non-Agenda Items: None</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
2. Citizen Communication	<ul style="list-style-type: none"> <li>• J. C. Sherman III, 10832 SW Kable Street, Tigard, OR 97224, testified. He noted he has been impressed with the City: great services, great community and a great place to raise his children. He noted his concerns about the new City logo:               <ul style="list-style-type: none"> <li>▶ He noticed there were no markings on some police vehicles, and learned the City is changing the logo.</li> <li>▶ Why is the City going to the expense of changing the logo when there are so many other areas in the City that need additional funds?</li> <li>▶ People come to Tigard because of the community and as a taxpayer, he is concerned this is a waste of funds.</li> <li>▶ He was concerned that the logo change would cost “hundreds of thousands of dollars” based on his experience in the business world.</li> <li>▶ He asked the City Council reconsider the logo change.</li> </ul> </li> </ul> <p>Councilor Sherwood responded saying that once the logo is designed, the new design will be introduced as supplies run out or need to be replaced. One of the City Council goals for 2005 was to improve the image of the City. The City Council did not feel the logo represented the City and the Council was looking for a new identity and an updated logo.</p> <p>Councilor Wilson said he respected Mr. Sherman’s opinion, but said that others might disagree and he also disagreed. The current logo is about 20 years old and was not professionally designed. The City of Tigard, in his view, has done things inexpensively for a long time, which has projected an image of what the City was 20 years ago and as being somewhat amateurish. It is important to the City Council and to a lot of Tigard’s citizens that the City does things with a certain amount of professionalism. The logo is</p>	

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	<p>one small way to project a new way of doing things.</p> <p>Mr. Sherman noted he was originally from the City of Los Angeles, which was founded in 1781 and this logo has not changed. He said he does not understand the value of a logo change. He noted his concerns for expenditure of funds where most needed.</p> <p>Councilor Wilson suggested Mr. Sherman consider serving on the City's Budget Committee.</p> <p>Councilor Woodruff addressed Mr. Sherman's comments about the amount of expenditure a logo change would mean when comparing the costs to the business world. He acknowledged that a business branding process could mean hundreds of thousands of dollars; however, he assured Mr. Sherman that this was not the process the City is undertaking. He agreed with Councilor Sherwood's comments that the logo would be placed on items gradually rather than a wholesale change.</p> <p>Mayor Dirksen noted the City Council appreciated Mr. Sherman offering his opinion. The City Council, as a whole, decided that this was the direction they wanted to go. The City Council is mindful of costs and has taken on this project at the lowest possible cost. The City Council feels the logo change is necessary and will be an improvement for the City.</p> <p>City Manager Prosser noted there are no Budget Committee vacancies at this time. Budget Committee terms expire on June 30; therefore, vacancies will probably be advertised this fall. Board and Committee vacancies are posted online.</p> <ul style="list-style-type: none"> <li>Representative Jerry Krummel, 7544 SW Roanoke Drive, Wilsonville, OR 97070 said he was not testifying about any specific issue on the City Council's agenda, but on the City's recent</li> </ul>	

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	<p>practices regarding annexation. In general, he said he believed Tigard is disrespecting and violating the spirit, intent, and letter of the law:</p> <p>A year ago the voters on Bull Mountain spoke loud and clear with a 9 to 1 vote against annexation to the City of Tigard. Apparently, the City did not get the message. He spoke of the intent, for a system of annexation that is fair and balanced. With regard to the letter of the law, he said that as far as he could tell, the City does not have the authority to force a property owner to annex as a condition of getting a building permit. Representative Krummel said that it was all right to have a policy that favors annexation, but the City is not authorized to mandate annexation. The City does not have any services exclusively provided by the City, which justifies a demand for annexation. He said that "we" have reviewed the codes and ordinances for the City and for Washington County and looked into Urban Services Agreement, the Intergovernmental Agreements, and the Bull Mountain Community Plan, and no language was found saying it was legal for the City to do what it is doing.</p> <p>He said some would call this hostage annexations or annexations by extortion; he said, "I don't know what to call it."</p> <p>Representative Krummel said that if the City is contracted to provide certain services and is denying the services to property owners unless they agree to annex, that could be construed as a breach of contract.</p> <p>He said he was extremely disappointed that the City of Tigard continues down the path of aggressive annexation despite all that has happened in the past year. He said he was hopeful that the City would take his concerns seriously and work to change these practices. For the past several months, the lawyers who work for the legislature have been looking into this issue. He presented the City Council with</p>	



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	<p>an opinion from Legislative Counsel and noted his business card was attached and asked that he be contacted if there were questions.</p> <p>Mayor Dirksen thanked the Representative for coming to the meeting and said he could understand why Representative Krummel felt it needful to represent his constituents on the south side Bull Mountain. Mayor Dirksen said the City Council took these considerations into thought as annexations were considered.</p> <ul style="list-style-type: none"> <li>• Dick Franzke from Bull Mountain testified. He said there is an apparent legal issue between what Representative Krummel has told the City Council and what the Mayor has said. He asked if the City was relying on the same legal advice that it relied on when insisting on a single vote for the annexation issue. He said that if the City was relying on that same authority, he strongly suggested that the City get a second opinion. He said the City's counsel was wrong in that instance and they are wrong in this instance.</li> </ul>	
3. Consent Agenda	<p>3.1 Appoint Two Members and One Alternate Member to the Park and Recreation Advisory Board (PRAB) - Resolution No. 05-72</p> <p>RESOLUTION NO. 05-72 – A RESOLUTION APPOINTING MICHAEL FREUDENTHAL AND TRISHA SWANSON AS MEMBERS ON THE PARK AND RECREATION ADVISORY BOARD AND APPOINTING KELLY JEAN JOHNSON AS AN ALTERNATE MEMBER ON THE PARK AND RECREATION ADVISORY BOARD</p> <p>3.2 Approve the Washington County Cooperative Library Services Intergovernmental Agreement</p> <p>3.3 Initiate Vacation Proceedings for an Un-Named Public Right of Way East of 74<sup>th</sup> Avenue, Approximately 680 North of Durham Road (VAC2005-00003) – Resolution No. 05-73</p>	<p>Motion by Councilor Wilson, seconded by Councilor Sherwood, to approve the Consent Agenda.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

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	<p>RESOLUTION NO. 05-73 – A RESOLUTION SETTING THE DATE OF A PUBLIC HEARING REGARDING THE VACATION OF AN APPROXIMATELY 7,845 SQUARE FOOT PORTION OF AN UNNAMED PUBLIC RIGHT OF WAY WHICH LIES TO THE EAST OF SW 74<sup>TH</sup> AVENUE APPROXIMATELY 680 FEET NORTH OF DURHAM ROAD</p> <p>3.4 Local Contract Review Board:</p> <ul style="list-style-type: none"> <li>a. Award Contract for General Legal Counsel Services to Ramis Crew Corrigan, LLP</li> <li>b. Award Contact for Labor Attorney Services to Bullard Smith Jernstedt Wilson</li> </ul>	
4. Presentation of Bronze Safety Award	Mayor Dirksen presented to City of Tigard Risk Manager Mills the League of Oregon Cities and City County Insurance Services Bronze Safety Award for 2004-2005 for an injury frequency rate of 3.98 with 264 full time employees.	
5. PUBLIC HEARING (QUASI-JUDICIAL) TO CONSIDER ANNEXATION OF SUNRISE LANE (ZCA 2005-00004) (Continued from November 22, 2005)	<p>Associate Planner Pagenstecher presented a review of the process. The annexation proposal was before the City Council in October. The City Council left the record opened until November 22. The parties then agreed to allow for additional evidence and arguments until December 7. Associate Planner Pagenstecher noted additional information was sent to the City Council. Also, a supplemental packet was prepared which included draft ordinances (with and without an emergency clause). Previous ordinances submitted to the City Council should not be considered.</p> <p>Associate Planner Pagenstecher noted the change to the proposal is that there is now a Section 2, which refers to the findings and the staff report. The staff report has been revised to note statements about the continuations (the process) of the City Council hearing, additional testimony received and a statement of the issues.</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adopt proposed Ordinance No. 05-19 with the emergency clause.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen        Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson      Yes  Councilor Woodruff   Yes</p>

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	<p>Associate Planner Pagenstecher advised that the findings in the staff report are consistent with the findings the City Council proposed. Staff recommendation to the City Council remains the same, which is to approve the annexation.</p> <p>City Attorney Ramis noted that the City Council also has in its record a request from one of the moving parties that the ordinance be adopted by emergency clause. The difference between a regular ordinance and one adopted by an emergency clause is that an emergency clause ordinance will be effective immediately. If the Council would proceed under the usual course, the ordinance would not be effective for 30 days. City Attorney Ramis noted there are some exigent circumstances with respect to moving the project ahead.</p> <p>Mayor Dirksen noted that it was time to review the ordinance and findings and asked if all City Council members had adequate time to review the testimony and findings. He also asked if the Council agreed with the findings. The Mayor then asked if the applicant, who requested the emergency clause, come forward to explain why he feels it is necessary.</p> <p>Michael Robinson, 1120 NW Couch Street, Portland, OR 97209-4128 asked on behalf the applicant that the City Council consider the emergency clause to allow the application process to move more quickly. He noted that they originally believed they would be heard in September. At the request of City staff, they agreed to a month's delay. An additional delay was also accepted by the applicant. Mr. Robinson noted that the findings state that it is in public interest to see this area annexed; therefore, if the ordinance is adopted by emergency, which is entirely at the discretion of the Council. The application process would go more quickly, the areas would become a developed part of the City more quickly, and the County services may be withdrawn, allowing the County to serve other areas with those resources. Mr. Robinson said the</p>	

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	<p>City Council had broad discretion in this area and asked the Council consider adopt the emergency clause language.</p> <p>Councilor Woodruff referred to concerns that the requested annexations were not voluntary; that the residents were making the request to annex because of some kind of threat or implied threat – that this is not something that you would do if it was totally, fully voluntary.</p> <p>Mr. Robinson said their application is entirely voluntary on the part of those coming into the City. He said they believed it is important to develop in the City and be part of the City for a number of reasons. There was no coercion; the City did not approach them; they came to the City voluntarily. He said his clients believe it is better to develop in the City than in the unincorporated area.</p> <p>A member of the audience asked if this was a public hearing.</p> <p>City Attorney Ramis noted the issue of whether or not to attach an emergency clause is open, now that there has been testimony. Mr. Robinson noted that the argument he just made in response to Councilor Woodruff's question was based on evidence entirely in the record.</p> <p>Mayor Dirksen noted that since the issue is open to testimony with regard to the emergency, he asked if anyone present would like to speak in opposition or in favor of the emergency clause being applied.</p> <p>Lisa Hamilton-Treick, 13565 SW Beef Bend Road, unincorporated Bull Mountain, she said the issue has come up before as to whether or not these kinds of processes are a public hearing. She said that had she been aware of an opportunity to speak on a specific topic, because in fact one has been made available, she probably would have given that some thought and prepared some public comment. Since she just learned that she had an</p>	

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	<p>opportunity to speak on anything having to do with this very important issue, she has not had time to prepare any comments.</p> <p>Mayor Dirksen asked if there was anyone else who would like to speak on the emergency clause. There was no one.</p> <p>Mayor Dirksen closed the oral portion of the testimony under consideration.</p> <p>City Council considered the ordinance at this time. With regard to the emergency clause, Councilor Sherwood said this matter has carried forward for almost 90 days and that she had no objection to the emergency clause.</p> <p>Councilor Woodruff asked the City Attorney about the findings and the level of confidence the City Attorney has in coming to the conclusion presented in the findings. City Attorney Ramis said that while he is hesitant to describe what the outcome of litigation might be, he feels that the findings relate directly to the criteria and bring to bear and marshal the arguments to relate to the criteria. City Attorney Ramis said he agrees with the legal counsel for the applicants that the document does an excellent job of addressing the criteria.</p> <p>Mayor Dirksen pointed out that after the original applicant came to the City to request annexation, two or three other property owners approached the City and asked to be included in the annexation, which increased the size of annexation. As far as he knows, these additional property owners are not contemplating development at this time, but came forward on their own accord and asked to be included in the annexation because their properties are contiguous to the original property requesting annexation.</p> <p>Councilor Wilson said that the notion of whether annexation is coerced or not is an interesting legal issue. He noted that the City Council has considered a couple of annexations since the vote</p>	

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	<p>and, so far, the City has not had an applicant say that they were coerced. Until the City gets an applicant that says they were coerced, then it likely will not go any further than this. Councilor Wilson said that even if it is required as a condition for providing services, he thinks it is still an interesting question as whether the City is allowed to do that or not. He says that the City's legal counsel says it is allowed while there are arguments on the other side as well. With respect to the Intergovernmental Agreement with Washington County for providing development review services, he said the City of Tigard has no interest in performing those services simply as a contractor. Councilor Wilson said he thought it has always been planned, at least for the last 20 years, that Bull Mountain would come into Tigard. He said he knows this has been challenged and that most of the people present tonight for this issue oppose annexation. Nevertheless, the City of Tigard has an agreement with Washington County to perform development review services for the area that has been earmarked as Tigard's area of interest. Were that not to be the case, he did not think the City would be doing this – we do not perform these services for other jurisdictions. Councilor Wilson said he thinks Washington County has full understanding and is supportive of that requirement.</p> <p>Councilor Harding noted this vote is extremely difficult. Her position has always been to stand for the people and what the desire is by the people. As she reviewed the information from the applicant's attorney and from the Friends of Bull Mountain, she has been back and forth on the issue. With regard to this issue, she thinks the problem has been in the execution and how it has been managed. Tigard is a young City, incorporating in 1961, and has not caught up as quickly as outside cities. In some research she did regarding annexation as a precursor to development, she found that this is a common practice all over the United States without problems from the constituency. However, in many instances there were intergovernmental</p>	

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	<p>agreements with the counties. These agreements appear to serve these counties well for planning. Councilor Harding said that what troubles her, is that she does not have someone on the applicant's side saying they were coerced and that they do not feel this was fair. She said she would like to see a double majority, but the few homeowners that are in the area have asked to come in and the builder has asked to come in. She said this issue should be reviewed on a region-wide basis since the issues have been with land use – not a Tigard issue – but much broader than that.</p> <p>Councilor Wilson said that in his view the legal requirements have been met. He advised this is really a political issue: Should we annex these properties. He said that his opinion has not changed as it is in the interests of the citizens of Tigard that these properties be annexed. Some of the arguments that were presented to the City Council during the first night of the hearing on this matter dealt with parks. This is an issue that is important to people in unincorporated Bull Mountain. If this does not come into the City, "...not one dime will go to any parks, anywhere, ever." If it does come into the City and approximately 100 homes are built, \$.25 million in system development charges will be collected. In addition, funds will be collected to help maintain parks. Councilor Wilson said he does not see the logic in an argument that it is against the interests of the citizens of the City of Tigard to vote no.</p> <p>Councilor Woodruff said the City Council regularly hears about the Bull Mountain annexation election. He said he thinks what some people want the City Council to hear is to pay attention to the will of the people -- to democracy. He said it puzzles him that people are opposed to this annexation when there are property owners saying they want to come into the City. He spoke for consistency. Councilor Woodruff said he believes the applicant because there is no evidence to contrary that the people directly affected by this decision want to be a part of the City. He does not see why the City would say they would not</p>	

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	<p>allow the annexation because people, other than those directly affected, have said that area should not be a part of the city. He said he would be voting yes on this matter.</p> <p>Mayor Dirksen noted that it was brought up tonight that citizens of Bull Mountain voted no on the annexation a year ago. He pointed out that none of those people are being annexed tonight. He also noted that in that same election, two-thirds of the citizens of the City of Tigard, "...who are our constituents..." said yes to the annexation. Mayor Dirksen said, "...If we are going to listen to the will of the people, we should listen to the will of the people who elected us and who we represent. To me, that is a clear message."</p> <p>City Attorney Ramis confirmed with Mayor Dirksen, that the Mayor was speaking in terms of the testimony that exists in the record already.</p> <p>Council then considered Ordinance No. 05-19. (See Page 10, Action Items column)</p> <p>ORDINANCE NO. 05-19 – AN ORDINANCE ANNEXING 25.61 ACRES, APPROVING SUNRISE LANE ANNEXATION (ZCA2005-00004), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT #1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT AND DECLARING AN EMERGENCY</p>	
6. Consider Budget Amendment #4 – Adding a Full-Time Geographic Information	Interim Finance Director Imdieke presented the staff report on this agenda item. Impact on the budget and the General Fund ending fund balance was reviewed. Council members and staff discussed the benefits for creating this position, including coordinating mapping for the water	Motion by Councilor Wilson, seconded by Councilor Sherwood, to adopt the proposed Resolution No. 05-74.



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Systems Coordinator Position	<p>system, police department crime reports, and sewer connections, assisting with the Comprehensive Plan update and addressing needs in other departments. Councilor Harding noted her concerns about this addition in the middle of the fiscal year and suggested that another staff position could be reclassified to perform this work.</p> <p>City Council considered Resolution No. 05-74.</p> <p>RESOLUTION NO. 05-74 – A RESOLUTION APPROVING BUDGET AMENDMENT #4 TO THE FY 2005-06 BUDGET TO ADD A FULL-TIME GIS COORDINATOR POSITION AND INCREASE APPROPRIATIONS ON THE INFORMATION TECHNOLOGY BUDGET TO FUND THIS POSITION</p>	<p>The motion was approved by a majority vote of Council present.</p> <p>Mayor Dirksen Yes  Councilor Harding No  Councilor Sherwood Yes  Councilor Wilson Yes  Councilor Woodruff Yes</p>
7. Presentation of Report for the Indonesian Resource Cities Exchange Program	<p>City Manager Prosser presented the report. A copy of the PowerPoint presentation is on file in the City Recorder's office. He reviewed the Indonesian Partnership highlights sponsored through the US Agency for International Development (US AID) and administered by the International City Managers Association. All costs, except for gifts and entertainment, were paid for by ICMA/US AID. Tigard officials and other professional and governmental individuals successfully assisted governments of Samarinda and Balikpapan, Indonesia in the following areas: Accounting practices, drinking water treatment, recycling programs, and citizen participation. Tigard's participation made a difference.</p> <p>Public Works Director Koellermeier, Library Director Barnes, Interim Finance Director Imdieke, and Risk Manager Mills spoke of the value they saw and appreciated in the program.</p> <p>City Manager Prosser thanked the City Council for allowing Tigard to participate.</p> <p>Mayor Dirksen shared some of his experiences on the final trip to Indonesia and noted the lasting</p>	

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	effects this program will have for Tigard and the Indonesian communities.	
	<p>Council meeting recessed at 9:03 p.m.</p> <p>Council reconvened into a workshop meeting at 9:13 p.m.</p>	
<p>8. Joint Meeting with the Intergovernmental Water Board</p>	<p>Intergovernmental Water Board (IWB) members present:</p> <p>Bev Froude Bill Scheiderich Dick Winn</p> <p>A copy of the PowerPoint discussion used during the following discussion is on file in the City Recorder's office.</p> <p>Public Works Director Koellermeier reviewed the question of whether the Intergovernmental Water Board has the authority to impose a moratorium on providing new connections outside of the member's city limits. And, can we require new service to be provided only by a city member? Mr. Koellermeier said the City's legal counsel advised the answer to the above questions is "probably no." The Tigard Water District, as a member of the IWB, has a responsibility to provide service. There is a clear provision in the Intergovernmental Agreement forming the IWB that defines how assets are allocated among the partners. The assets used to deliver water service to the fringes of the city limits are owned and operated by the City of Tigard. This is in line with the City's Comprehensive Plan position that says annexation conditions can be placed on a subdivision if utilities are extended to take care of them. The City Attorney's staff recommended that it might be appropriate to go into the original intergovernmental agreement and bolster some of these issues.</p> <p>Mayor Dirksen noted there were a couple of issues. He said one of the issues had to do with</p>	<p>Staff will research regulations by Washington County with regard to the County's Comprehensive Plan as it applies to areas developing to an urban density (Park and Recreation District annexation).</p> <p>The City Council and IWB will meet again in April so they can start making decisions on long term water supply.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>finding an opportunity to create a moratorium on development in unincorporated areas for whatever reason: whether it be waiting until issues of governance are resolved or if a majority of the board members think that development should only take place inside the City limits; that it could be a requirement of development to provide water services inside the City first. This was a question that arose, so the Council asked staff to answer as to whether or not the current agreements would allow any of those scenarios.</p> <p>Councilor Wilson said he was not familiar with the boundaries of the Tigard Water District. Public Works Director Koellermeier said he believed that Areas 63 and 64 were not part of the Tigard Water District. Councilor Wilson asked if that if a developer were to request annexation to the Tigard Water District, what would the position of the Board be with respect to annexation and/or its relationship to the provision of other types of municipal services. Public Works Director Koellermeier said additional research is needed on the agreement. There is some specific language in the Intergovernmental Agreement that deals with annexations.</p> <p>City Attorney Ramis said the main point that has been made in this process is that if there are new regulatory issues or uses that need to be addressed, the agreements should be reviewed and language developed that supports what we want to do. Mayor Dirksen said he was interested in learning what the existing agreement provides.</p> <p>Mr. Scheirderich said that he does not represent the Tigard Water District, but said it sounds as if Councilor Wilson is asking about the prospect of these areas annexing to the Water District and thereby staying exempt from or out of the boundaries of the City of Tigard. This is "sort of forcing the issue" of water supply for fact that the City of Tigard is taking over the securing the source and distributing that source for the District boundaries. Mr. Scheiderich referred to ORS 198 and his recollection whereby the County</p>	

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	<p>Commission approves annexation for District boundaries. He discussed how annexation might be forced or annexation might be avoided with current statutes provisions.</p> <p>Mayor Dirksen noted that in the case of Areas 63 and 64, with the boundaries as they are, there would be no opportunity for those areas to annex into the City. If the areas were going to be developed and have Tigard Water District service, there would have to be some process whereby they can be brought into the District. The City needs to determine how, or if, this could be done.</p> <p>Mr. Scheiderich noted it would be interesting to find out what the County would require. Councilor Wilson said the District could have a policy for a future annexation non-remonstrance agreement be required in order to annex to the District. Mr. Scheiderich noted that cities, under state law, have no authority to force annexations to other service providers. However, he noted that Washington County's Comprehensive Plan now says a property shall not be developed to urban standards of density unless it can be shown the property is a part of the Tualatin Valley Park &amp; Recreation District or you are capable of providing your own services of equivalent quality to the Park District. Mayor Dirksen asked how areas on Bull Mountain wanting to develop (which were not within the Recreation District and could not be connected to Tigard) would provide park services. He requested staff to check on this Washington County policy.</p> <p>Mr. Scheiderich noted a provision in Senate Bill 887: "One may not require consent to annexation, as a local government, as a condition of extending urban service to that area to be annexed." He noted this provision is oddly written and appears to have been added in haste without being fully thought out. He said it certainly cannot require that Tigard extend water service outside its boundaries; it would seem to be an impasse as to how this area would be able to get water. City Attorney Ramis agreed that "everyone is trying to</p>	

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	<p>figure out what this means and how it applies – I don't think there's an answer yet.”</p> <p>Mr. Winn noted that King City is a customer of Tigard. He said that if you are in the water business, you should sell water. Do not use this as a “hammer.”</p> <p>Councilor Wilson responded to Mr. Winn by saying that King City could potentially have the same problem as the City of Tigard with areas outside the city limits developing and using services such as parks and police. Mr. Winn said King City has similar issues, but a different approach. For police protection, with Tigard and others, they cover areas outside the City. If someone wants into their City, then there is a vote to determine yes or no on the annexation.</p> <p>The next issue reviewed was locating parks on surplus property. Two sites have been identified in Tigard's Park and Recreation Board selection process:</p> <ol style="list-style-type: none"> <li>1. Canterbury property (approximately 1-1/2 acres and is in City limits)</li> <li>2. Clute property (approximately 40-plus acres when combined with other City parcels, including the Menlor parcel; this property is outside the City limits, but owned by the City of Tigard) Negotiations are taking place for additional property adjacent to this location for an additional reservoir.</li> </ol> <p>Public Works Director Koellermeier reviewed the recommended steps to pursue use of the above properties for parks. Meeting participants discussed the properties and the potential for use as parks. Ms. Froude noted if a park is sited at the Clute property, it should be an active park.</p> <p>The next topic reviewed was “Selecting a Long-Term Water Supply.” The group reviewed the decision-making process and the water source collection criteria used previously. It appears the City of Portland is not in a “mode” to enter into</p>	

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	<p>contracts that are attractive to wholesale purchasers. Portland Commissioner Leonard accepts that the wholesalers might go to other water sources. Public Works Director Koellermeier suggested that the IWB develop criteria once City of Portland financial data is released in March. The City Council and IWB will meet again in April so they can start making decisions on long term water supply.</p> <p>There was discussion on issues between Portland and the Environmental Protection Agency regarding new regulations for cryptosporidium. Consensus of Council was that if this issue is litigated, monies paid to Portland from Tigard for water should not be used to help fund the legal costs.</p> <p>Other water sources were reviewed. It would take 2 to 2-1/2 years to complete steps necessary to complete negotiations with Lake Oswego.</p>	
Item 11 was discussed at this time: Discuss Branding/Graphic Identity Design	City Council reviewed some final logo drawings prepared by Consultant Glen Marcusen. From those drawings a final design was selected.	Another review of the proposed logo will occur at the special Council meeting on January 6, 2006, at 3 p.m.
9. Discussion and Update of the Washington County Coordinating Committee: Transportation Funding, Projects and Process	<p>Mayor Dirksen referred to issues regarding project selection by the Washington County Coordinating Committee that had been brought to the attention of City Council by Councilor Harding at a previous City Council meeting. A street had been selected as a candidate for funding in Hillsboro (near Intel), which is not a major thoroughfare and there was concern about making this street a priority for funding over some other streets.</p> <p>Councilor Wilson commented on Westside Economic Alliance's regional review of infrastructure and the shortfall in funding for projects. There are a number of businesses which are experiencing added costs because of congestion. This translates to lower</p>	

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	<p>competitiveness. Distribution facilities are locating in other cities outside the region because it is too expensive. This might be one of the things being argued by businesses such as Intel. If this is the case, then care should be taken to be cognizant of the arguments and able to counter them. Councilor Harding noted there was no statement from Intel in the documentation for the WCCC project. She reviewed information on the project including design and costs.</p> <p>City Engineer Duenas reviewed the Major Transportation Improvement Projects process. He also reviewed information regarding the Joint Policy Advisory Committee on Transportation (JPACT). On file in the City Recorder's office is information regarding project recommendations and process from the Joint Policy Advisory Committee on Transportation, which is focusing on a way to get funding for projects in this region. In order to receive Federal funding projects must be ready to go. In the Metro process, the focus is on regional and town centers.</p> <p>Council discussion followed on projects that are regionally viable and where the process is now in the current funding cycle for transportation dollars. Hillsboro offered a project at a time when the City of Tigard was not aware of the opportunity to suggest projects.</p> <p>JPACT wants to limit each jurisdiction to two projects on the list of projects that are presented in the annual trip to Washington DC.</p> <p>City Engineer Duenas, in response to a concern expressed by the Mayor, noted that "ready to go projects" means projects for which you are ready to accept the funding and you have a good idea of what all the costs are going to be (engineering, right-of-way acquisition).</p> <p>Councilor Harding noted that WCCC has made its decision with regard to the project that it is recommending; however WCCC is not the ultimate decision maker. She said another project</p>	

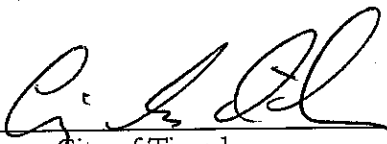
Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>does not necessarily have to be a Tigard project. She said she would like to determine if there are other projects in the region that would make more sense than the project selected by WCCC which basically serves one neighborhood.</p> <p>There was discussion about whether there was still an opportunity to suggest projects to JPACT. Also discussed was whether to raise the concern about the process and that the City of Tigard did not have an opportunity to identify a project.</p> <p>City Engineer Duenas suggested that it is most effective if an elected official testifies before JPACT. Mayor Drake is the representative to JPACT.</p> <p>Councilor Sherwood noted the County has told Tigard officials that because of the large amount of dollars being spent on commuter rail, that Tigard projects would be a lower priority for the next couple of years.</p> <p>City Manager Prosser suggested that City Engineer Duenas find out how the project supported by WCCC came about and confirm whether there was a solicitation for projects. Once this information is known, then the Mayor and another City Council member should have a conversation with Mayor Drake and Commissioner Rogers about Tigard's concerns. If it then appears to be a good idea, a member of City Council might want to go to the January JPACT meeting to express Tigard's concerns.</p> <p>Mayor Dirksen and Councilor Harding will contact Mayor Drake to relate Tigard's concern with the process.</p> <p>Councilor Harding noted there is a remaining issue with regard to the WCCC. She noted the County wants to conduct a survey on County funding mechanism. The City Council did not support sharing in the cost for the survey.</p> <p>Councilor Harding noted options under</p>	



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	consideration as a result of the Highway 217 Corridor Study.	
10. Discuss Tualatin Basin Natural Resources Coordinating Committee	Councilor Harding said in the near future, the City Council should consider an ordinance outlining how Tigard is implementing the directives for the Tualatin Basin.	
Adjournment	The meeting adjourned at 10:49 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p> Mayor Dirksen      Yes  Councilor Harding    Yes  Councilor Sherwood   Yes  Councilor Wilson     Yes  Councilor Woodruff   Yes </p>

*Catherine Wheatley*  
Catherine Wheatley, City Recorder

Attest:

  
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Mayor, City of Tigard

Date: 1.24.06